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BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Part 90 of the)
Commission's Rules to)
Facilitate Future Development)
of SMR Systems in the 800 MHz)
Frequency Band)

PR Docket No. 93-144

and

Implementation Section 309(j))
of the Communications Act -)
Competitive Bidding 800 MHz)
SMR)

PP Docket No. 93-253

To: The Commission

MOTION FOR EXTENSION OF TIME

Central and South West Services, Inc. ("CSWS"), through its undersigned counsel and pursuant to Section 1.46 (b) of the rules and regulations of the Federal Communications Commission, respectfully moves for a 30-day extension of time in which to file Comments and Reply Comments in the Second Further Notice of Proposed Rule Making ("Second

Further Notice") in the above-styled proceeding.^{1/} CSWS submits the following in support of its Motion:

1. Under the CSWS umbrella, four electric companies deliver electricity to 1.2 million customers across approximately 158,000 square miles in Louisiana, Texas, and Oklahoma. CSWS's 800 MHz land mobile radio system currently is licensed on General Category, Industrial/Land Transportation and Business Category spectrum. The General Category spectrum licensed to CSWS is an integral aspect of its land mobile radio system. Accordingly, this proceeding directly impacts CSWS. Moreover, CSWS has been an active participant in this proceeding.

2. The Second Further Notice which establishes January 16, 1996 as the deadline for filing Comments and January 25, 1996 as the deadline for filing Reply Comments was adopted during the Commission's December 15, 1995 agenda meeting. The text of the Second Further Notice apparently was released on December 15, 1995 after 5:30 p.m. See

^{1/} In the Matter of Amendment of Part 90 of the Commissions's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band and Implementation of Section 309(j) of the Communications Act - Competitive Bidding 800 MHz SMR, First Report and Order, Eighth Report and Order and Second Further Notice of Proposed Rule Making, released December 15, 1995, __ Fed. Reg. _____ (1996).

Exhibit 1. However, it was not obvious that the text was available to the public. Copies of the News Releases of the December 15th agenda meeting were not available from ITS, the FCC's copy contractor, until close of business that day. The text did not appear in any FCC daily release, nor was there any mention that the text was available in any FCC Daily Digest. More importantly, this rulemaking has never been published in the Federal Register.

3. Notwithstanding the fact that it was not evident that the text was available on December 15, 1995, and that CSWS did not secure it immediately upon release, the 1995 holiday season and the inclement weather have prevented CSWS from being able to adequately analyze the impact of the Second Further Notice on its existing 800 MHz system.


4. Finally, the issues presented in this rulemaking are complex and will have a significant and long-standing impact on CSWS's 800 MHz operations. Issues involving auctioning of 800 MHz spectrum and mandatory relocation and treatment of incumbents are critical to CSWS's 800 MHz system and its business plan. These issues require careful consideration, and CSWS wants to file meaningful and exhaustive Comments which it will not be in a position to do without an extension of time.

5. Based on the above circumstances, CSWS submits that it has not had proper and sufficient notice in which to respond to the Second Further Notice pursuant to Section 553(b) of the Administrative Procedure Act.

WHEREFORE THE PREMISES CONSIDERED, Central and South West Services, Inc. seeks a 30-day extension of time in which to file Comments and Reply Comments in the above-captioned rulemaking proceeding. Specifically, CSWS seeks an extension until February 15, 1996 in which to file Comments and until February 26, 1996 in which to file Reply Comments.

Respectfully submitted,

**CENTRAL AND SOUTH WEST
SERVICES, INC.**



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Dated: January 11, 1996

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January 2, 1996

Dear F.C.C. Release Client:

Today we are distributing the enclosed text, FCC 95-501, released by the FCC on December 15, 1995.

We apologize for the delay in distribution of this document. The text was released after 5:30 p.m. on the 15th; thus, we were unable to obtain a copy that day. On Monday morning, when we would have normally procured our copy, the Commission was closed due to the current government shutdown.

We finally managed to obtain a copy from another source last Friday afternoon. Your copy is attached.

Sincerely,

BERRY BEST SERVICES, LTD.